

CALIFORNIA STATE LIBRARY

Compliance with the Children's Internet Protection Act (CIPA)

OVERVIEW

This overview is intended to inform applicants for Library Services and Technology Act (LSTA) grants in the coming funding period (FY 2004/05) about how to comply with the Children's Internet Protection Act (CIPA) if it is determined they are affected by the Act. Each grant applicant must consider its project in relation to CIPA. The following will help you identify your circumstances and any action needed.

GUIDANCE FROM IMLS

The Institute of Museum and Library Services (IMLS) has issued revised guidance and instructions to state libraries and local grant recipients for complying with CIPA. As many of you are aware, the Supreme Court decided in June 2003 that *public libraries* are now subject to the provisions of CIPA. (*Public elementary and secondary school libraries* began to be covered starting in 2002/03.) *Consortia or other group applicants* for LSTA funds (such as CLSA systems) must also comply if they have a grant involving constituent libraries to which CIPA conditions apply.

The State Library is responsible for assuring the Federal Government that no LSTA funds will be made available for those types of libraries in the case where they do not receive E-Rate discounts but do receive an LSTA grant to purchase computers to access the Internet or pay for direct costs of accessing the Internet. Compliance is not needed for other uses of LSTA funds. The IMLS guidance document is available, as is a CIPA fact sheet.

APPLICABILITY AND TIME FRAME OF CIPA

The IMLS guidance requires compliance with CIPA by libraries not now compliant when applying for FY 2004/05 funds from the State Library. Special instructions apply to school libraries applying for LSTA and to public library applicants that may be involved as partners in a project with schools. Other types of libraries such as academic libraries are *not* affected by CIPA *unless* they are the applicants in a project with a partner public or school library subject to CIPA.

WHO SHOULD CERTIFY - OVERVIEW

If the applicant library is:

- An **Academic** or **Special library**, and is not a partner with a library subject to CIPA in an LSTA grant, the applicant library is exempt from CIPA. No reply is

needed and no further action is necessary. (See the Consortia Guidelines if your project involves a library partner that is affected by CIPA.)

- **A Public library**, follow the Public Library Guidelines and use Form A. To be eligible to receive LSTA funds a public library affected by CIPA must certify to the California State Library that it has an Internet safety policy and a technology protection measure (filter) in place, or is taking action to implement such a policy and protection measure, or that it is not using LSTA funds to purchase computers used to access the Internet or to pay for direct costs associated with accessing the Internet.

How to certify: A public library awarded an LSTA grant for 2004/05 must establish its eligibility for LSTA funding on the certification form in one of four ways:

- A. Covered for CIPA under E-Rate. Mark Box A on Form A. OR
- B. Already complied with CIPA. Mark Box B on Form A. OR
- C. Undertaking actions to comply with CIPA. Mark Box C on Form A. If you have not yet complied but agree to the “undertake actions” provision, you are in compliance. If you do not agree, you are not eligible for LSTA funds. OR
- D. CIPA is not applicable to this library in respect to this grant: no LSTA funds will be used in the specified ways. Mark Box D on Form A.

For more details see the Public Library Guidelines.

For applicant public libraries having another public library that is a partner in a project see the rules for consortia, below. Public libraries having a school library partner that is subject to CIPA should see the special instructions for this situation.

- **A Consortium.** If an applicant consortium, or an applicant library acting as a “consortium,” conducts a grant project in partnership with a library subject to CIPA, both the consortium and participating member public libraries must certify. A separate certification (Form B) for consortium use is to be submitted to the State Library by the consortium or similar organization.

A consortium applying for LSTA funds that is affected by CIPA provisions must in turn collect and maintain on file a Form C for each member public library subject to CIPA. If one or more affected libraries in a consortium is not in compliance with CIPA, any member libraries in the same consortium who are compliant can still get E-Rate discounts and/or LSTA funds.

How to certify: If the consortium is applying for an LSTA grant for 2004/05, ask the following questions:

1. Is the applicant consortium or library involved in the grant project with a public library that is a project partner or user of LSTA funds?

YES. Go to Step 2.

NO. Stop here. No certification is necessary.

2. Will the applicant consortium use LSTA to purchase computers to access the Internet for a constituent or partner public library or pay for costs associated with accessing the Internet for that library?

YES. Mark Box A on the consortium Form B. Return only this form to the State Library. Collect a certification Form C from each of the public library members or partners affected by CIPA. The instructions are the same as for Form A except that the completed form is sent to the consortium, not to the State Library. Retain these Form C's at the consortium.

NO. Mark Box B on the consortium Form B and return it to the State Library. No action is required relative to the other library.

For more details see the Consortia Guidelines.

For applicant consortia having a school library partner that may be subject to CIPA, see the special instructions for that situation.

- **School Library.** Applicants that are school libraries should contact the State Library CIPA Coordinator for instructions on certifying.

RELATIONSHIP TO E-RATE

An LSTA-applicant public library that also receives Internet services at discount rates (not telecomm) under the E-Rate program must already certify compliance under that program, and only has to confirm its status as an E-Rate recipient public library by signifying on Form A (para. A) that it has officially certified separately under E-Rate. Mail Form A to the State Library at the time of submitting the grant application.

CONSEQUENCE OF NOT CERTIFYING

Certification regarding CIPA is a condition of acceptance of an LSTA grant, to remove any uncertainty and to ensure that the State Library itself is in compliance. If your library is covered by CIPA but you decline to certify, you are not authorized to submit your 2004/05 grant application. Your library will be declared ineligible for LSTA funding until such time as it does certify compliance.

As part of the state-level certification process, the State Library in turn re-certifies to IMLS on behalf of the state.

ACTION NEEDED? WHEN IS CERTIFICATION DUE?

All applicant libraries to which these instructions apply must return a copy of the certification, filled out and signed, to the State Library along with their LSTA application by the date specified by the State Library. Libraries applying for more than one grant must submit a separate CIPA certification for each grant when applicable.

FOR ADVICE AND ASSISTANCE

More information on the Internet safety policy and other issues surrounding CIPA is available from the State Library. Please contact Rush Brandis, CIPA Coordinator, (916) 653-5471, email rbrandis@library.ca.gov.